

**PURPOSE**

It is the purpose of this policy to assure that work experiences of recipients in the Michigan Department of Health and Human Services (MDHHS) state operated facilities, hospitals and centers bear a defined and appropriate relationship to individual treatment and habilitation needs and that exploitation of recipients does not occur.

**REVISION HISTORY**

This policy has not been updated since original publication effective date of May 16, 2010.

**POLICY**

It is the policy of the MDHHS that the work experience of recipients in hospitals and centers shall bear a defined and appropriate relationship to individual treatment and habilitation needs and that exploitation of recipients will not occur.

**STANDARDS**

1. A recipient may perform labor that contributes to the operation and maintenance of the hospital or center for which it would otherwise employ someone only if the recipient voluntarily agrees to perform the labor, engaging in the labor would not be inconsistent with the individual plan of services for the recipient developed through the person centered planning process, and the amount of time or effort necessary to perform the labor would not be excessive.
2. In no event shall discharge, rights or privileges be conditioned upon the performance of such labor.
3. A recipient who performs labor that contributes to the operation and maintenance of the hospital or center for which it would otherwise employ someone shall be compensated appropriately and in accordance with applicable federal and state labor laws, including minimum wage and minimum wage reduction provisions.
4. A recipient who performs labor other than that described in subsection 3 shall be compensated an appropriate amount if an economic benefit to another individual or agency results from his or her labor.

5. The hospital or center administration may provide for compensation of a recipient when he or she performs labor not governed by subsection 3 or 4.
6. Subsections 3, 4 and 5 do not apply to labor of a personal housekeeping nature.
7. One-half of any compensation paid to a recipient under this policy is exempt from collection under the Mental Health Code as payment for services rendered.
8. The labor of a recipient, whether deemed therapeutic or not inconsistent with the recipient's plan of service, shall require approval by the person in charge of the plan of service in addition to the recipient's voluntary agreement.
  - a. Approval shall not be withheld unless reasons explaining how the labor is inconsistent with the plan of service are stated in the recipient's record.
  - b. Disapproval of labor by the person in charge of the plan may be appealed to the hospital or center director who may reverse the disapproval. The director shall review the appeal and make the decision within 30 days of receipt of the appeal and provide documentation of the decision to the recipient within five working days of the decision.
9. Recipient labor shall not consume more than six hours of a recipient's day, unless approved by the hospital or center director and shall not interfere with the ongoing treatment or habilitation programs suitable for the recipient.
10. A recipient's right to compensation shall be protected by the hospital or center when performing labor which results in an economic benefit to another person or agency other than the hospital or center.
11. A hospital or center providing work or work training for recipients or utilizing a recipient's labor shall establish procedures which complement both the therapeutic needs of recipients and the dignity to which a recipient is entitled and are consistent with standards established in this guideline, regulations and policies of the U.S. Department of Labor, other federal departments, the Michigan Mental Health Code, and Administrative Rules.

**REFERENCES**

- Michigan Mental Health Code, MCL 330.1752
- Michigan Mental Health Code, MCL 330.1736
- Fair Labor Standards Act (FLSA), 29 USC 201 et seq

**CONTACT**

For additional information concerning this policy, contact the Director of the Office of Recipient Rights at (517) 373-2319.